

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 07-2568

Martin Marietta Materials, Inc.;
Hunt Martin Materials, LLC,

Appellee,

v.

The City of Greenwood, Missouri,

Appellant.

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Appeal from the United States
District Court for the
Western District of Missouri.

[UNPUBLISHED]

Submitted: April 15, 2008

Filed: July 10, 2008

Before WOLLMAN, HANSEN and MELLOY, Circuit Judges.

PER CURIAM.

The City of Greenwood, Missouri, filed this interlocutory appeal from the district court's¹ order entered on June 26, 2007, which issued a preliminary injunction against the City of Greenwood, Missouri, prohibiting the City from enforcing its

¹The Honorable Dean Whipple, United States District Judge for the Western District of Missouri.

Ordinance No. 2007-02-01-02, a commercial use streets ordinance passed by the City Council on February 1, 2007. Our careful review satisfies us that the district court did not rely on any clearly erroneous factual findings or erroneous legal conclusions, see PCTV Gold, Inc. v. SpeedNet, LLC, 508 F.3d 1137, 1142-43 (8th Cir. 2007) (stating standard of review and recognizing the wide latitude afforded district courts in issuing preliminary injunctions); Dataphase Sys., Inc. v. C L Sys., Inc., 640 F.2d 109, 114 (8th Cir. 1981) (listing preliminary injunction factors), and we summarily affirm. See 8th Cir. R. 47B. Our affirmance does not prejudice either party's ability to contest any decision made by the district court to issue or to decline to issue a permanent injunction relating to the same ordinance.

The Motion for Emergency Stay of District Court Proceedings filed by the Appellant, City of Greenwood, Missouri, has been considered by the court and is denied.

Mandate to issue forthwith.
